

## **The practice of so-called diplomatic guarantees in recent international law**

The aim of this thesis is to analyze the practice of so-called diplomatic assurances (guarantees) in contemporary international law and its possible impact on existing obligations of States related to the protection of human rights, especially in relation to the ban on torture. Diplomatic assurances enable a transfer of an individual from one State to another. They include an undertaking of the State receiving an individual that he or she will be treated in accordance with the conditions set by the sending State, i.e. generally in accordance with the human rights obligations. However, it has recently received a great deal of public attention due to a number of suspicious returns of alleged terror suspects into the countries with poor human rights record including a record of torture. Consequently, the opinion criticizing the reliance on diplomatic assurances evolved describing diplomatic assurances as a tool how to circumvent current obligations of States under international human rights law. First part of this thesis provides a general overview of diplomatic assurances, their history, what are the advantages and disadvantages of diplomatic assurances and whether diplomatic assurances could be considered as treaties under international law. Second part of this thesis focuses on compliance of diplomatic assurances with the principle of non-refoulement, especially based on the jurisprudence of the European Court of Human Rights. Consequently, it deals with the question whether diplomatic assurances against torture and ill-treatment create a double standard of protection among people.